

### **REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are directed to non-statutory subject matter under the provisions of 35 U.S.C. §101, are indefinite under the provisions of 35 U.S.C. §112, or are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

#### **I. REJECTION OF CLAIMS 20 AND 22-38 UNDER 35 U.S.C. § 101**

Claims 20 and 22-38 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. In response, the Applicants have amended independent claim 20, from which claims 22-35 and 37-38 depend, in order to more clearly recite aspects of the invention. Claim 36 has been cancelled without prejudice.

In particular, the Examiner alleges that "the claim language does not include the required (1) tie [to another statutory class] or (2) transformation [of underlying subject matter]" (Office Action, Page 8). The Applicants have therefore amended independent claim 20 in order to specify that the claimed method "use[s] a processor" to perform the recited steps (emphasis added). As such, this amendment clearly ties the claimed method to a processor, which falls into another statutory category, namely, a "particular apparatus," as required. Thus, the Applicants respectfully submit that claim 20, as amended, clearly satisfies the requirements of 35 U.S.C. §101 and is patentable thereunder.

Claims 22-35 and 37-38 depend from independent claim 20 and recite additional features. As such, and for at least the same reasons stated above with respect to independent claim 20, the Applicants respectfully submit that claims 22-35 and 37-38 also clearly satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder. Accordingly the Applicants respectfully request that the rejection of claims 20, 22-35, and 37-38 under 35 U.S.C. §101 be withdrawn.

**II. REJECTION OF CLAIMS 1, 3-20, AND 22-40 UNDER 35 U.S.C. § 112**

Claims 1, 3-20, and 22-40 stand rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite. In response, the Applicants have amended independent claims 1, 20, 39, and 40 in order to more clearly recite aspects of the invention. Claims 17 and 36 have been cancelled without prejudice.

With respect to the Examiner's first question, the Applicants have amended claims 1, 20, 39, and 40 in order to specify that the plurality of templates stored in the database includes "at least one [template] ... that is relevant to the given situation." Claims 1, 20, 39, and 40 have been further amended to specify that the most relevant template selected by the user is selected "from among the at least one [template] ... that is relevant to the given situation." In light of this amendment, the Applicants respectfully submit that the relation between the plurality of templates stored in the database and the template selected by the user is sufficiently clear.

With respect to the Examiner's second question, the Applicants have amended claims 1, 20, 39, and 40 in order to specify that the evaluating "determine[s] a conclusion indicating whether the given situation will likely have a positive or negative result." Claims 1, 20, 39, and 40 further specify that the generated argument supports the conclusion determined by the evaluating step. In light of this amendment, the Applicants respectfully submit that the relation between the evaluating step and the generating step is sufficiently clear.

With respect to the Examiner's third question, the Applicants have amended claims 1, 20, 39, and 40 in order to specify that "each of [the] responses is associated with a likelihood of a negative or positive result for an associated one of the ... queries." Claims 1, 20, 39, and 40 further specify that the evaluation of the responses to generate the conclusion is performed "in accordance with the likelihood of a negative or positive result associated with each of [the] ... responses." In light of this amendment, the Applicants respectfully submit that it is sufficiently clear how the evaluating step is carried out.

With respect to the Examiner's fourth question, the Applicants have amended

claims 1, 20, 39, and 40 in order to recite the forming of an "argument," replacing a "new argument." In light of this amendment, the Applicants respectfully submit that the nature of the argument is sufficiently clear.

In light of the above, the Applicants respectfully submit that independent claims 1, 20, 39, and 40 are sufficiently definite within the meaning of 35 U.S.C. § 112, second paragraph. Moreover, claims 3-16, 18-19, 22-35, and 37-38 depend, respectively, from independent claims 1 and 20 and recite additional features. As such, and for at least the same reasons stated above with respect to independent claims 1 and 20, the Applicants respectfully submit that claims 3-16, 18-19, 22-35, and 37-38 are also sufficiently definite within the meaning of 5 U.S.C. § 112, second paragraph. Accordingly, the Applicants respectfully request that the rejection of claims 1, 3-16, 18-20, and 22-35, and 37-40 under 35 U.S.C. § 112 be withdrawn.

### **III. REJECTION OF CLAIMS 1, 3-20 AND 22-40 UNDER 35 U.S.C. § 103**

#### **A. Claims 1, 3-14, 17-20, 22-33 and 36-40**

The Examiner has rejected claims 1, 3-14, 17-20, 22-33 and 36-40 under 35 U.S.C. §103(a) as being unpatentable over the Grosser et al. patent (United States Patent No. 6,826,552, issued November 30, 2004, hereinafter "Grosser") in view of the Kegan patent (United States Patent No. 5,819,248, issued October 6, 1998, hereinafter "Kegan") and/or the Calver application (United States Patent Application Publication No. 2001/0032092, published on October 18, 2001, hereinafter "Calver"). In response, the Applicants have amended independent claims 1, 20, 39, and 40 in order to more clearly recite aspects of the present invention. Claims 17 and 36 have been cancelled without prejudice.

In addition, the Applicants have filed herewith a declaration under 37 C.F.R. § 1.131 to swear behind Calver. As noted in the declaration, the Applicants submit that the present invention was conceived of prior to February 7, 2000 and filed with due diligence from prior to February 7, 2000 to the filing of United States Provisional Patent Application Serial No. 60/232,186 on September 12, 2000, and to the filing of the present application, which claims priority to Application Serial No. 60/232,186, on April

20, 2001. Calver has an earliest priority date of February 7, 2000. Therefore, the Applicants respectfully submit that Calver is not a proper reference against the Applicants' invention in view of present declaration filed under 37 C.F.R. § 1.131.

Moreover, even assuming that Calver is a proper prior art reference with respect to the Applicants' claims, the Applicants respectfully submit that Grosser, Kegan, and Calver, singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating and publishing an argument supporting an associated conclusion, where the system includes a discovery tool that links to an external data source for discovering information to aid said user in responding to queries, as recited by Applicants' independent claims 1, 20, 39, and 40.

Grosser, for instance, teaches a system for computer aided decision making that helps a person evaluate a plurality of choices (such as potential homes or cars to buy) in order to converge on a single choice. Thus, Grosser does not link to an external data source that provides a user with information that can be used to respond to questions, but rather receives user preferences (e.g., "the number of preferred bedrooms in a house," Grosser, column 6, lines 61-66). These preferences are presumably known to the user and do not require consultation with an external data source. The cited portions of Grosser (*i.e.*, columns 10-12) at best teach presenting a user with internally generated information or reports based on user responses that have already been given. For example, the system of Grosser may generate a list of choices previously rejected by the user (Grosser, column 10, lines 37-40) or may rank the user's previously made choices (Grosser, column 11, lines 7-28).

Similarly, Kegan teaches a computer assisted decision making system that predicts a likely outcome based on user-provided data such as facts, evidence, and the like. To this end, Kegan relies on data provided by the user, and does not provide the user with any discovery tools that link to outside data sources.

Calver, likewise, teaches as web-based portal that relies on a drill-down process to aid a consumer in finding products or services that are relevant to his/her interests. Nothing in this drill-down process teaches or suggests, however, that a discovery tool linking to an external data source is provided to aid the user in answering the questions

presented. At best, the cited portions of Calver (*i.e.*, paragraphs [0077] – [0081]) describe objectives of the drill-down process (*e.g.*, “present intermediate level questions to the user,” Calver, paragraph [0077]; “identify the types of products that can benefit the user,” Calver, paragraph [0078]; “generate a lead,” Calver, paragraph [0079]; and “seek additional information describing how a selling entity can benefit [the user’s] ... business,” Calver, paragraph [0090]) and the types of questions that are presented to the user (*e.g.*, “industry type, revenue, or their position,” “name and email address,” “number of employees,” and the like, Calver, paragraph [0081]).

The Applicants’ claims clearly recite a method and apparatus in which a discovery tool is presented to a user to assist in answering queries that guide the decision making process. As described, for example, in paragraph [0046] of the Applicants’ published application, the discovery tool links to an external data sources, such as a search engine, a database, a web page, a cascaded template, or a web-accessible tool. Thus, the discovery tool can access additional data sources that may help the user in responding to queries. Specifically, independent claims 1, 20, 39, and 40 recite:

1. An analytical system for facilitating decision making by generating and accessing arguments, wherein each of the arguments supports an associated conclusion as to whether a given situation will likely have a negative or positive result, the analytical system comprising:

a database for storing a plurality of templates, each of the plurality of templates including a plurality of queries which when responded to generate a particular argument supporting an associated conclusion regarding a particular situation, the associated conclusion based on responses to associated template queries, wherein at least one of the plurality of templates is relevant to the given situation; and

an argument server coupled to the database and comprising:

means for a user to select one of the plurality of templates which is most relevant to the given situation from among the at least one of the plurality of templates that is relevant to the given situation;

means for receiving responses to one or more queries of the one of the plurality of templates from said user, where each of said responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries;

means for discovering information to aid said user in responding to said one or more queries, said means for discovering linking said

argument server to an external data source;

means for receiving supporting evidence from said user in response to said one or more queries of the one of the plurality of templates, the supporting evidence being relied on by the user to form at least one of the responses;

means for associating said supporting evidence received from said user with said responses to said one or more queries;

means for evaluating said responses, in accordance with the likelihood of a negative or positive result associated with each of said responses, to determine a conclusion indicating whether the given situation will likely have a positive or negative result;

means for generating an argument supporting the conclusion of the evaluating, the argument comprising the one of the plurality of templates, the responses, the supporting evidence, and the conclusion; and

means for publishing said argument, including said one of the plurality of templates, said responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

20. A method for facilitating decision making by accessing or generating an argument supporting a conclusion for a given situation, the method using a processor to perform steps comprising:

presenting to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries, and wherein at least one of the plurality of searchable templates is relevant to the given situation;

receiving from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation;

receiving from said user one or more responses to one or more queries of the relevant template, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;

receiving from said user supporting evidence in response to said one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

associating said supporting evidence received from said user with at least one of said one or more queries for which a response has been received;

evaluating said one or more responses, in accordance with the likelihood of a negative or positive result associated with each of said one or more responses, to determine a conclusion indicating whether the given situation will likely have a positive or negative result;

forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion; and

publishing said argument, including said relevant template, said one or more responses, said supporting evidence, and said conclusion, for review. (Emphasis added)

39. A computer readable medium containing program instructions for facilitating decision making by accessing or generating an argument supporting a conclusion for a given situation, the computer readable medium comprising:

computer code for presenting to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries, and wherein at least one of the plurality of searchable templates is relevant to the given situation;

computer code for receiving from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation;

computer code for receiving from said user one or more responses to one or more queries of the relevant template, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;

computer code for receiving from said user supporting evidence in response to said one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

computer code for associating said supporting evidence received from said user with at least one of the one or more queries for which a response has been received;

computer code for evaluating said one or more responses, in accordance with the likelihood of a negative or positive result associated with each of said one or more responses, to determine a conclusion indicating whether the given situation will likely have a positive or negative result;

computer code for forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion;

computer code for publishing said argument, including said relevant template, said one or more responses, said supporting evidence, and said conclusion, for review; and

a computer readable medium that stores the computer codes. (Emphasis added)

40. A computer system operable facilitate decision making by accessing or generating an argument supporting a conclusion for a given situation, the computer system comprising:

one or more processors;

one or more memory coupled to the one or more processors, wherein at least one of the processors and memory are adapted to:

present to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries, and wherein at least one of the plurality of searchable templates is relevant to the given situation;

receive from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation;

receive from the user one or more responses to one or more queries of the relevant template, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;

receive from the user supporting evidence in response to the one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

associate the supporting evidence received from said user with at least one of the one or more responses;

evaluate the one or more responses, in accordance with the likelihood of a negative or positive result associated with each of said one or more responses, to determine a conclusion indicating whether the given situation will likely have a positive or negative result;

form an argument supporting the conclusion as to indicating whether the given situation is likely to have a positive or negative result, the argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion; and

publish the argument, including the relevant template, one or more responses, the supporting evidence, and the conclusion, for review. (Emphasis added)

As discussed above, Grosser, Kegan, and Calver, singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating



and publishing an argument supporting an associated conclusion, where the system includes a discovery tool that links to an external data source for discovering information to aid said user in responding to queries, as recited by Applicants' independent claims 1, 20, 39, and 40. Accordingly, the Applicants submit that for at least the reasons set forth above, independent claims 1, 20, 39 and 40 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 3-14, 18-19, 22-33 and 37-38 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3-14, 18-19, 22-33 and 37-38 are not made obvious by the teachings of Grosser in view of Kegan and/or Calver. Therefore, the Applicants submit that dependent claims 3-14, 18-19, 22-33 and 37-38 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Accordingly, the Applicants respectfully request that the rejection of claims 1, 3-14, 18-20, 22-33 and 37-40 under 35 U.S.C. § 103 be withdrawn.

#### **B. Claims 3, 11-16, 22, and 30-35**

The Examiner has rejected claims 3, 11-16, 22, and 30-35 under 35 U.S.C. §103(a) as being unpatentable over Grosser in view of Kegan and/or Calver and further in view of the Janssen patent (United States Patent No. 6,098,062, issued August 1, 200, hereinafter "Janssen"). In response, the Applicants have amended independent claims 1 and 20, as discussed above, in order to more clearly recite aspects of the present invention.

In particular, the Applicants respectfully submit that Grosser, Kegan, Calver, and Jassen singly or in any permissible combination, fail to disclose or suggest the novel invention of a system for generating and publishing an argument supporting an associated conclusion, where the system includes a discovery tool that links to an external data source for discovering information to aid said user in responding to queries, as recited by Applicants' independent claims 1, 20, 39, and 40. Grosser, Kegan, and Calver have been discussed above. Janssen fails to bridge the gap in the teachings of Grosser, Kegan, and Calver.

Specifically, Janssen also fails to teach or suggest a system for generating and publishing an argument supporting an associated conclusion, where the system includes a discovery tool that links to an external data source for discovering information to aid said user in responding to queries. Janssen teaches a system for facilitating analysis and decision making in which users provide a hypothesis and then provide data corresponding to grounds that provide a basis for inference of the hypothesis. However, Janssen fails to teach a discovery tool that links to external data sources that may be used by the user in providing the hypothesis or the grounds, as recited in independent claims 1 and 20. Therefore, the Applicants submit that for at least the reasons set forth above, independent claims 1 and 20 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 3, 11-16, 22, and 30-35 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3, 11-16, 22, and 30-35 are not made obvious by the teachings of Grosser in view of Kegan and/or Calver and further in view of Janssen. Therefore, the Applicants submit that dependent claims 3, 11-16, 22, and 30-35 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### **IV. CONCLUSION**

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §101, 35 U.S.C. §112, and 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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